

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: Rule 53.2.7 of the Local Rules of Civil Procedure,
*ARBITRATION - THE SPEEDY CIVIL TRIAL - Trial De Novo***

O R D E R

AND NOW, this 27th day of September, 2004, it appearing that this Court is vested with authority, pursuant to 28 U.S.C. §§2071(e), 2077 and Federal Rule of Civil Procedure 83, to promulgate Local Civil Rules not inconsistent with the Federal Rules of Civil Procedure and applicable statutes,

AND, it appearing that the judges of the court, on April 5, 2004, approved for publication and solicitation of comment, Rule 53.2.7 of the Local Rules of Civil Procedure for the United States District Court for the Eastern District of Pennsylvania, *Dismissal and Abandonment of Actions*,

AND, it further appearing that no comments were received in response to the publication of notice and solicitation of comment, it is hereby

ORDERED that, in accordance with the Resolution approved by the judges of this Court on April 5, 2004, Rule 53.2.7.B of the Local Rules of Civil Procedure for the United States District Court for the Eastern District of Pennsylvania, *ARBITRATION- THE SPEEDY CIVIL TRIAL, Trial De Novo*, will apply to all civil cases filed in this district, and will read as follows:

Rule 53.2.7 - ARBITRATION- THE SPEEDY CIVIL TRIAL - *Trial De Novo* -

B. Upon demand for a trial de novo ~~and the payment to the Clerk required by paragraph 7 (E) of this Rule~~, the action shall be placed on the trial calendar of the Court and treated for all purposes as if it had not been referred to arbitration. In the event it appears to the judge to whom the case was assigned that the case will not be reached for trial de novo within ninety (90) days of the filing of the demand for trial de novo, the judge shall request the Chief Judge to reassign the case to a judge whose trial calendar will make it possible for the case to be tried de novo within ninety (90) days of the filing of the demand for trial de novo. Any right of trial by jury which a party would otherwise have shall be preserved inviolate.

It is further **ORDERED** that Local Rule of Civil Procedure 53.2.7.E is abrogated in its entirety and nothing will replace it. For purposes of clarity, this amendment may be rotated in the local rules as follows:

~~E. Upon making a demand for trial de novo, the moving party shall, unless permitted to proceed in forma pauperis, deposit with the Clerk of Court a sum equal to the arbitration fees of \$100.00 for each arbitrator as provided in Section 2. The sum so deposited shall be returned to the party demanding a trial de novo in the event that party obtains a final judgment, exclusive of interest and costs, more favorable than the arbitration award. In the event the party demanding a trial de novo does not obtain a judgment more favorable than the arbitration award, the sum so deposited shall be paid to the Treasury of the United States.~~

Therefore, this 27th day of September, 2004, it is further

ORDERED that Rule 53.2 of the Local Rules of Civil Procedure as amended is approved and adopted, made effective April 5, 2004. It is further

ORDERED that the Clerk of Court transmit a copy of Rule 53.2 of the Local Rules of Civil Procedure to the Director of the Administrative Office of the United States Courts and the Judicial Council of the Third Circuit Court of Appeals and make said Rule available to the bar and public.

FOR THE COURT:

JAMES T. GILES,
Chief Judge